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Attorney Dkt. No. 51275/149

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
VIA FACSIMILE

In re: application of:

Theoharis C. Theoharides

Filing date: 03/20/2004

Serial No.: 10/811,828

Group Art Unit: 1655

Examiner: Patricia Leith

Priority from copending PCT/US02/00476, filed 01/03/2002,  
copending USSN 09/771,669, filed 01/30/2001, and USSN 09/056,707, filed  
4/8/1998, now USPN 6,689,748, issued 2/10/2004

For: Composition For Protection Against Superficial Vasodilator Flush Syndrome

Response to Restriction Requirement

Commissioner for Patents

Box 1450

Alexandria, VA 22313-1450

Mail Stop: Amendment

Sir:

Responsive to a restriction requirement mailed 05/04/2006, the applicant makes two points prior to addressing the requirement itself.

First, the attorney docket number shown on the Office Action is Incorrect. Reference to the application documents as filed shows that the docket number is 51275/149, not 147. This was brought to the examiner's attention by telephone conference.

Second, the examiner refers only to claims 40-44. Undoubtedly due to some administrative error in indexing, claim 45 was not included in the restriction requirement. This was brought to the examiner's attention by telephone conference. For the examiner's benefit, the pending claims are reproduced below:

40. A composition for protecting a subject from the Inflammatory disease superficial vasodilator flush syndrome, said composition comprising a non-bovine heavily sulfated proteoglycan, olive kernel extract, a flavonoid compound, bitter willow bark extract, and, optionally, cyproheptadine or azatadine.

41. The composition of claim 40, wherein said proteoglycan is sulfated chondroitin sulfate.

42. The composition of claim 40, wherein said flavonoid compound is quercetin,